

REMARKS:

Claims 1-8 are pending in the application. In the Office Action dated October 27, 2005, The Examiner:

1. Objected to FIG. 7 for not showing the complete system;
2. Objected to claim 1 for an informality;
3. Rejected claims 1-8 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement;
4. Rejected claims 1-6 under 35 U.S.C. 112, second paragraph, as being indefinite; and
5. Rejected claims 1, 7, and 8 under 35 U.S.C. 103(a) as being unpatentable over Lieber et al.

1. The objection to FIG. 7

is respectfully traversed. The requirement of 37 C.F.R. 1.83(a) is simply that the drawings show every feature of the claims. Every claimed feature pointed out by the Examiner as not being shown in FIG 7 (i.e. the connections between oil pressure generating apparatus 40, 50, and other elements; the accumulator 60; and actuators 70, 80) is shown at least in FIG. 1. Placement of the claimed features with respect to the elements shown in FIG. 7 would be apparent to a person of ordinary skill in the art based at least on FIG. 1., but even assuming for the sake of argument that that is not the case, every claimed feature of the invention is shown in the drawings; therefore 37 C.F.R. 1.83(a) is satisfied.

2. The objection to claim 1

Claim 1, line 1 has been amended according to the Examiner's suggestion. No new matter was added.

3. The non-enablement rejection of claims 1-8

is respectfully traversed. The Examiner alleged that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention, specifically that it is unclear from the specification and the figures how the system is linked to enable the oil pressure generating apparatus 40, 50, to be fluidly linked to the clutch 30.

According to one embodiment of the present invention, the oil pressure generating apparatus 40, 50 communicate with the clutch 30 in the following way:

The oil pressure generating apparatus 40, 50, are fluidly connected to the actuators 70, 80, by operational fluid passages 85. In one exemplary mode of operation, high oil pressure generated in the oil pressure generating apparatus during ascension of the axle is supplied through operational fluid passages 85 to the actuators 70, 80, and specifically to cylinders 71, 81. This connection is shown and described in the instant application at least in FIG. 1 and paragraphs [0024] lines 1-5, [0026] lines 1-2, [0031], [0034], and [0037] lines 1-3.

Actuators 70, 80 communicate in turn with clutch 30 by means of unnumbered connectors, shown in FIG. 1. Continuing with the example set forth above, when high pressure is supplied to cylinders 71, 81, by the above-described method, piston rods 73, 82 slide in cylinders 71, 81. Movable clutch discs 31, 32, 33 of clutch 30 move in cooperation with piston rods 73, 82; clutch 30 is thus deemed “activated.” This connection is shown and described at least in FIG. 1 and paragraphs [0020] lines 8-10, [0026] lines 3-5, [0027] lines 1-2, [0032] lines 1-3, [0035] line 1-[0036] line 1, and [0037] line 1-[0038] line 1. Because actuators are well-known in the art, more detailed descriptions and drawings of this connection are not deemed necessary.

The Examiner’s rejection is thus traversed in that each connection between oil pressure generating apparatus 40, 50 and clutch 30 (i.e. operational fluid passages 85 and the unnumbered connectors between actuators 70, 80 and clutch 30) can be made and used by one of ordinary skill in the art based at least on FIG. 1 and the paragraphs referenced above.

4. The indefiniteness rejection of claims 1-6

Claim 1, lines 11-15 have been amended to claim “operational fluid passages” before “supplementary fluid passages.” No new matter was added.

5. The 103 rejection of claims 1, 7, and 8

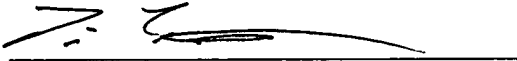
Claim 1 has been amended to include the subject matter of original claim 2, which is patentable over Lieber. Claims 2, 7, and 8 have been canceled. Claim 3 was amended to depend from amended claim 1 rather than canceled claim 2. No new matter was added.

Conclusions

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0109).

Respectfully submitted,



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